

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MARK BREAKIRON,</b>	:	
<b>Petitioner</b>	:	
	:	<b>Civil Action No. 00-300</b>
<b>v.</b>	:	
	:	<b>Judge William L. Standish</b>
<b>MARTIN HORN, et al.,</b>	:	
<b>Respondents</b>	:	<b>THIS IS A CAPITAL CASE</b>

**MOTION FOR LEAVE TO FILE AMENDED ANSWER**

Respondents, through their attorneys, submit the following motion for leave to file an amended answer to Claim III and amended Claim IV in the petition for writ of *habeas corpus*.

1. On August 14, 2000, the petitioner filed a petition for writ of habeas corpus.
2. On May 16, 2002, the petitioner filed an amendment to his petition to supplement Claim IV.
3. On June 27, 2002, the respondents filed their answer to the petition. In their answer, the respondents reserved the right to file an amended answer to amended Claim IV.
4. After completing an investigation into amended Claim IV, respondents seek leave of court to file an amended answer to Claim IV.
5. Respondents also seek leave of court to amend their answer to Claim III, so that the answer conforms with the arguments presented in the respondents' recent reply to petitioner's motion for summary judgment.

WHEREFORE, respondents respectfully request that their motion for leave to file an amended answer be granted.

**Respectfully submitted,**

**THOMAS W. CORBETT, JR.**  
**Attorney General**

**BY: /s/ Christopher D. Carusone**  
**CHRISTOPHER D. CARUSONE**  
**Senior Deputy Attorney General**  
**Attorney ID# 71160**

**OFFICE OF ATTORNEY GENERAL**  
**Criminal Law Division, Capital Litigation Unit**  
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**Harrisburg, PA 17120**  
**(717) 783-6273**

**Date: December 16, 2005**

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**CERTIFICATE OF SERVICE**

AND NOW, this 16<sup>th</sup> day of December, 2005, I, Christopher D. Carusone, Senior Deputy Attorney General, counsel for respondents in the above-captioned matter, hereby certify that I this day served the foregoing **Motion for Leave to File Amended Answer** by serving a copy *via* email addressed as follows:

**James Anderson, Esquire  
James Anderson [James\_Anderson@fd.org]  
Assistant Federal Public Defender  
Capital Habeas Corpus Unit  
1450 Liberty Center  
1001 Liberty Avenue  
Pittsburgh, PA 15222-3714  
(Counsel for Petitioner)**

    /s/ Christopher D. Carusone      
CHRISTOPHER D. CARUSONE  
Senior Deputy Attorney General